

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE CARLO CHINO-PEREZ,

Defendant.

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8:08CR42

ORDER

This matter is before the court on the motion to continue by defendant Jose Carlos Chino-Perez (Chino-Perez) (Filing No. 17). Chino-Perez seeks a continuance of the trial of this matter which is scheduled for April 28, 2008. Chino-Perez's counsel represents that Chino-Perez will file an affidavit wherein he represents that he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Chino-Perez's motion to continue trial (Filing No. 17) is granted.
2. Trial of this matter is re-scheduled for **May 27, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 21, 2008 and May 27, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 21st day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge